

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GERTRUDE JEAN PIERRE,

Plaintiffs,

-against-

THE PEOPLE OF THE STATE OF NEW YORK,
NASSAU DISTRICT COURT, NASSAU DISTRICT
ATTORNEY'S OFFICE, JUDGE TRICIA FERRELL,
JULIANNE BONOMO, MADELINE SINGAS,

Defendants.
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**15-CV-3577
(JS)(ARL)**

**DEFENDANTS ANSWER
TO PLAINTIFF'S
COMPLAINT**

Defendants, Nassau County District Attorney's Office, Julianne Bonomo, and Madeline Singas, (hereinafter collectively referred to as "County Defendants") by their attorney, Carnell T. Foskey, Nassau County Attorney, by Pablo A. Fernandez, Deputy County Attorney, as and for their Answer to Plaintiffs' Complaint (the "Complaint") respond as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph I of the Complaint, except to aver that "Gertrude Jean Pierre" is the name in which Plaintiff has commenced this suit against the County Defendants and that the Nassau County District Court, Judge Tricia Ferrell, Nassau County District Attorney's Office, Madeline Singas, and Julianne Bonomo are named Defendants.

2. Deny the truth of the allegations set forth in paragraph II of the Complaint and respectfully refer all questions of law to the Court.

3. Deny the allegations set forth in paragraph III of the Complaint and the attachments referenced therein.

4. Deny the allegations set forth in paragraph IV of the Complaint.

AFFIRMATIVE DEFENSES

5. Plaintiff has failed to state a cause of action against County Defendants upon which relief can be granted.

6. Plaintiff has not complied with Section 50-e and/or 50-I and/or 50-h of the General Municipal Law of the State of New York.

7. Acting District Attorney Madeline Singas and Julianne Bonomo acted within the scope of her employment, in good faith, and without malice, and said acts being prosecutorial duties, are immune from civil liability.

8. The alleged acts or omissions of the named County Defendants herein, and/or any agents, servants or employees, under the case of *Monell v. New York City Department of Social Services*, 436 U.S. 658 (1978), do not create vicarious liability against the County of Nassau pursuant to the doctrine of *respondeat superior* and consequently the County of Nassau cannot be liable for any acts or conduct of any individual defendant herein, and/or agents, servants or employees with respect to any or all claims brought pursuant to 42 U.S.C. Section 1983.

9. The actions complained of were in full accord with the applicable law.

10. The Plaintiff's constitutional and statutory rights have not been violated by the named County Defendants herein.

11. The County of Nassau, its agencies, departments and/or employees at all applicable times herein enjoyed a full, partial or qualified immunity from civil suit.

12. County Defendants are immune from federal civil suit under the Eleventh Amendment.

13. If the Plaintiff sustained any damages, such damages were sustained solely through and by virtue of the negligent conduct of the Plaintiff and/or third party(ies) without any negligence, recklessness and/or wrongful conduct of the County Defendants contributing thereto.

14. That if the Plaintiff sustained the damages as alleged in the Complaint, such damages were sustained solely through and by virtue of the negligent reckless and/or wrongful conduct of the Plaintiff without any negligence reckless and/or wrongful conduct of the Defendant Nassau County, its agents servants or employees contributing thereto.

15. That at all times herein mentioned and mentioned in the Complaint, the police officers, and/or agents, servants or employees of the Defendant County of Nassau, having anything to do with the Plaintiff were in the performance of their respective duties as police officers, and/or agents, servants or employees of the Defendant County of Nassau; that all of the acts performed by each police officer, peace officer, and/or agent, servant or employee of the Defendant County of Nassau in connection with the Plaintiff were performed in good faith, without malice, and with reasonable and proper cause.

16. Plaintiff's claims are barred by the applicable statutes of limitation.

17. Pursuant to CPLR 1603, the County Defendants assert the limitations contained in CPLR 1601 and 1602 and all rights contained therein.

18. Punitive damages may not be recovered against the County of Nassau as a matter of law.

WHEREFORE, County Defendants Nassau County Attorney's Office, Madeline Singas and Julianne Bonomo respectfully request judgment dismissing the Plaintiff's

Complaint as against them in its entirety, and with prejudice, together with the costs and disbursements of this action and for such other and further relief as the Court deems just and proper.

Dated: Mineola, New York
August 24, 2015

CARNELL T. FOSKEY
Nassau County Attorney

BY: /s/ Pablo A. Fernandez
Pablo A. Fernandez
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